



**REPORT of
CHIEF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
17 JULY 2017**

Application Number	FUL/MAL/17/00439
Location	Units 6-8 and 9-10 Hall Road Industrial Estate, Hall Road, Southminster
Proposal	Proposed replacement of light industrial/business buildings with 10 dwelling houses
Applicant	Mr Paul Laycock - Hall Road Developments Ltd
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	21.07.2017
Case Officer	Julia Sargeant, TEL: 01621 875851
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In Major Application

1. RECOMMENDATION

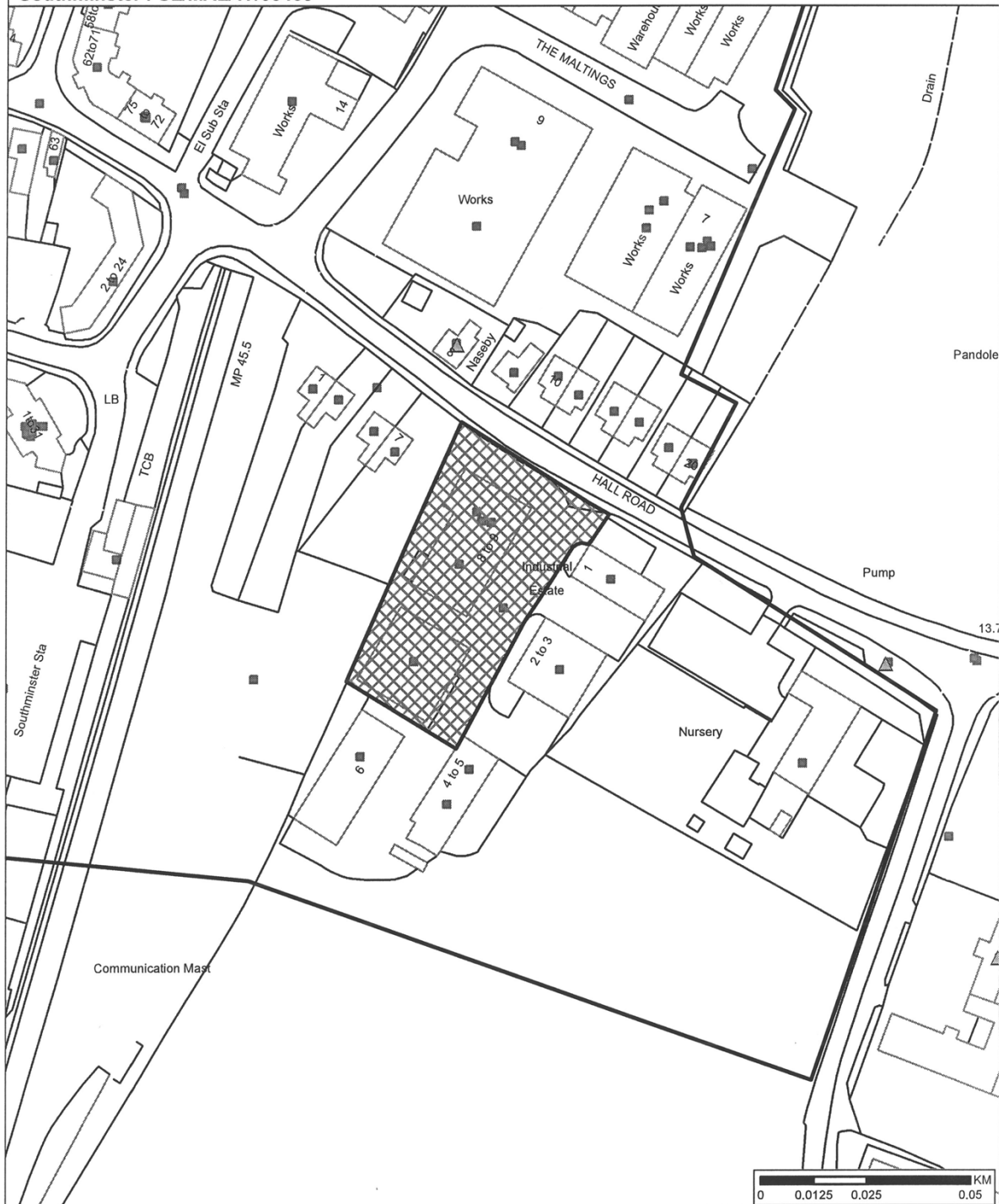
REFUSE for the reasons as detailed in Section 8 of this report.


2. SITE MAP

Please see overleaf.

Units 6-8 And 9-10 Hall Road Industrial Estate - Hall Road

Southminster FUL/MAL/17/00439



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	SE Committee
	Date:	06/07/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for the demolition of the existing industrial units and the erection of ten residential dwellings. The application site is located within the Hall Road Industrial Estate which is an allocated employment site as per policy E1 of the adopted Maldon District Replacement Local Plan (RLP) and policy E1 of the submitted Maldon District Local Development Plan (LDP). The application site is also located within the development boundary for Southminster.
- 3.1.2 The application site comprises the north western section of the Hall Road Industrial Estate and contains two single storey industrial buildings, each of which are subdivided into separate units as well as the main access road. One of the industrial units fronts onto Hall Road as well as the internal access road with the second one located centrally within the industrial estate facing onto the access road. The existing industrial unit which fronts onto Hall Road is known as units 9-10 and is a prefabricated building which was partially occupied at the time of the site visit. The second industrial unit is known as units 6-8 and is of metal profile sheeting construction and has suffered fire damage and is unoccupied.
- 3.1.3 To the east and south of the application site is the remainder of the Hall Road Industrial Estate which contains four further industrial buildings forming five units in total. The majority of the remainder of the units are occupied with businesses operating from the site including R Glass Ltd, Southminster MOT & Service Centre Ltd and R And F Insulations Limited.
- 3.1.4 To the west of the application site is a row of four semi-detached two storey dwellings with Southminster railway station located beyond them. Opposite the application site on the northern side of Hall Road is a row of two storey residential dwellings, the majority of which are semi-detached.
- 3.1.5 The proposed development would replace the existing industrial units with ten residential dwellings. The dwellings would be erected in two blocks, one facing north across Hall Road which would contain four dwellings, and one facing east into the industrial estate which would contain six dwellings. The dwellings would contain integral garages with accommodation set over three floors. They would be constructed with a brick finish, anthracite grey windows, timber doors and a flat roof with a parapet wall. The proposed dwellings are of a modern design with an industrial appearance.
- 3.1.6 The block of four dwellings fronting onto Hall Road (units 1-4) would measure 23.26m across with the mid terrace buildings measuring 5.75m wide and the end terraces 5.88m wide by 12.3m deep with the roof reaching a maximum height of 8.75m. The block of six dwellings fronting into the industrial estate (units 5-10) would measure 34.76m across with the mid terrace buildings measuring 5.75m wide and the end terraces 5.88m wide by 13.1m deep with the roof reaching a maximum height of 8.75m.

- 3.1.7 Units 1-4 would each benefit from a single integral garage at ground floor level as well as a kitchen/diner and wc. At first floor level there would be a large living room with Juliet balcony to the rear and at second floor level there would be three bedrooms and a bathroom. The third bedroom is marked as a home study or bedroom. Each dwelling would have a further off road parking space to the front on a driveway and a rear private amenity space is proposed to the rear which would measure between 45 m² and 63 m².
- 3.1.8 Units 5-10 would each benefit from a double integral garage at ground floor level as well as a snug and wc. At first floor level there would be a living room as well as kitchen/diner with Juliet balcony to the rear serving the kitchen/diner and at second floor level there would be three bedrooms and a bathroom. The third bedroom is marked as a home study or bedroom. Each dwelling would have a private rear amenity space measuring between 36 m² and 54 m².

3.2 Conclusion

- 3.2.1 The main issue is whether the development can be considered to be sustainable by way of meeting all three dimensions as set out in Paragraph 7 of the NPPF. However, this proposal does not meet the economic, social or environmental dimensions of sustainable development for the reasons set out below.
- 3.2.2 In terms of the economic dimension of sustainable development the proposal would result in the loss of part of an allocated employment site for residential development. Having regard to the guidance within the NPPF, the RLP policies and the LDP policies it is considered that the loss of part of an allocated employment site for a residential development is not justified in this instance.
- 3.2.3 In terms of the social dimension of sustainable development the application is not offering any affordable housing, would result in adverse impacts upon the occupiers of neighbouring dwellings and would potentially result in future occupiers being subject to unacceptable levels of noise which would be detrimentally harmful to their residential amenity.
- 3.2.4 When considering the environmental dimension of sustainable development it is necessary to look at the environment of the application site and how the proposed development would impact upon it. In this instance the proposed development would not respond to the existing character of the area or the local context and would not harmonise with the character of the area. Due to the unsympathetic design, appearance, scale and bulk of the proposal the development would appear dominant within the street scene and would have an unacceptable impact on the character of the site and surrounding area
- 3.2.5 When considering the test set out in paragraph 14 of the NPPF it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal.
- 3.2.6 Overall it is considered that the proposal would not represent a sustainable form of development and would conflict with policies of the adopted Maldon District Replacement Local Plan, the submitted Local Development Plan as well as the core

planning principles and guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance.

4 MAIN RELEVANT POLICIES

Members' attention is drawn to the policy advice note at the beginning of this report.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 14, 17, 19, 21, 22, 50, 56, 58, 60, 61, 64, 123

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 – Development Boundaries and New Development
- CON5 – Pollution Prevention
CON6 – Contamination
- CC5 – Protection of Wildlife at Risk on Development Sites
- H1 – Location of New Housing
- H6 – Housing Density
- H9 – Affordable Housing
- E1 – Protection of Existing Allocated Employment Areas
- E6 – Protection of Existing Employment Uses
- BE1 - Design of New Development and Landscaping.
- T1 – Sustainable Transport and Location of New Development
- T2 – Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards.

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014: The Maldon District Local Development Plan 2014-2029 was found to be sound, with modifications, by the Inspector, Mr. Simon Berkeley, as set out in his Report dated 30th June 2017. The Inspector's Report will now be considered by the Secretary of State who will make the final decision on the LDP's approval.

- S1 - Sustainable Development
- D1 - Design Quality and Built Environment
- E1 - Employment
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 - Natural Environment and Biodiversity
- T1 – Sustainable Transport
- T2 - Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)

- Essex Design Guide
- Car Parking Standards

4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

- 30% Affordable Housing

5 MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The starting point for assessing this application is the development plan in force for the District which is the Maldon District Replacement Local Plan (RLP). Strategically the site is located within the defined development boundary of Southminster where RLP policy S1 allows for development. The application site is also located within the Hall Road Industrial Estate which is a protected employment site under RLP policy E1. This employment allocation identifies that this site would be appropriate for B1 and B2 uses. Policy E1 states that allocated employment sites will be reserved for employment development. RLP policy E6 deals with the protection of existing employment uses and therefore the re-development of the site which involves the loss of the existing employment use and redevelopment with residential will have to be assessed against this policy.
- 5.1.2 The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF.
- 5.1.3 The Maldon District Local Development Plan (LDP) has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.
- 5.1.4 The Maldon District Local Development Plan 2014-2029 was found to be sound, with modifications, by the Inspector, Mr. Simon Berkeley, as set out in his Report dated 30th June 2017. The Inspector's Report will now be considered by the Secretary of State who will make the final decision on the LDP's approval.
- 5.1.5 At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.
- 5.1.6 LDP policy E1 retains the application site as part of an allocated employment site and identifies the appropriate uses for the site as B1, B2 and B8. This policy goes on to state that designated employment areas will be retained and protected for Class B uses unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes. The development will therefore, be assessed against this policy as well as the adopted RLP policies in relation to loss of employment land.

- 5.1.7 The proposal also has to be considered under national planning guidance and within the NPPF there is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF. The development therefore has to be assessed as a whole to determine whether it represents sustainable development.

5.2 Sustainability

- 5.2.1 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 5.2.2 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through the pre-amble to policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan.
- 5.2.3 The application site is located within the parish of Southminster which is defined within the LDP as a larger village. The LDP defines a larger village as *‘defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport.’*
- 5.2.4 Economically the construction phase of the development would provide employment and the development itself would provide 10 dwellings with residents that will financially contribute to the local economy. However the proposed development would result in the loss of the existing employment units which have a floorspace of 900m² and the issues associated with the loss of these employment units is explored in detail further below.
- 5.2.5 Socially the proposal would provide additional dwellings within the town of Southminster. However, the provision set out in the submitted LDP policy H1 requires a provision of 30% affordable housing as the floor area of the proposed dwellings exceeds 1,000m². The development is not offering any affordable housing, but instead is offering 40% of the dwellings to be offered to local residents first (as nominated by the Parish Council) and the issues associated with this is explored further below.
- 5.2.6 In environmental terms the application site comprises previously developed brownfield land with existing buildings and hardstanding on site. One of the units is still currently occupied and appears in relatively good repair, although it is dated in appearance. However the second unit has suffered fire damage and is unoccupied.

There were areas of the second unit which were open to the elements with planting in and around with some biodiversity benefits. Subject to appropriate planning conditions the proposal is likely to have a negligible impact on ecological resources.

- 5.2.7 Environmentally the accessibility of the site also needs to be considered. Paragraph 37 of the NPPF states that planning policies (and hence planning decisions) should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. The NPPF also requires local planning authorities to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 5.2.8 Southminster has a good range of services and facilities with a selection of shops and an employment area located close to the application site. The High Street and associated amenities is located approximately 500 metres from the application site, with the local primary school approximately 700 metres from the application site. Southminster is served by a number of bus routes as well as benefiting from being on a train line with links to London. The train station located to the west of the application site. Future residents would therefore have access to a range of services and facilities as well as public transport links.
- 5.2.9 Having regard to the above the site is considered acceptable in terms of access to services and facilities.
- 5.2.10 The issue whether the proposed development is considered to be sustainable in accordance with all three principles set out in the NPPF will be examined fully within the contents of this report.

5.3 Loss of Allocated Employment Land

- 5.3.1 From the RLP Proposals Map the application site is shown as a protected allocated employment site where RLP policy E1 would apply. This employment allocation identifies that this site, which falls within the Hall Road employment area on the Proposals Map, would be appropriate for B1 and B2 uses. RLP Policy E1 states that allocated employment sites will be reserved for employment development. The LDP policy E1 retains this site as a protected employment site and states that the site is appropriate for B1, B2 and B8 uses.
- 5.3.2 The application site currently contains 2 existing single storey buildings which are subdivided into five separate units. Currently the site provides 900m² of internal floorspace for B use employment. One of the existing buildings has suffered fire damage and is unoccupied and in poor condition. The second building is dated but appears in reasonable condition and is partially occupied.
- 5.3.3 The proposal would result in the loss of all the employment floorspace on the application site and its replacement with ten residential dwellings. RLP Policy E6 and submitted LDP policy E1 deal with the protection of existing employment uses and therefore the re-development of the site which involves the loss of the existing employment use will have to be assessed against these policies. Furthermore, as part

of the LDP it has been acknowledged that the District requires a greater amount of employment generating land.

- 5.3.4 For this site the RLP and LDP position is clear in that planning applications for development should only be permitted for employment purposes if they accord with the allocated use class. The site is specifically allocated for B1, B2 and B8 employment uses (with Sui Generis uses of an employment nature also acceptable). The site should therefore, only be used for employment purposes to accord with the RLP as well as the LDP. Furthermore the LDP policies have been prepared in line with the NPPF requirements and are supported by a comprehensive and up-to-date evidence base, Sustainability Appraisal and extensive public consultation.
- 5.3.5 Paragraph 19 of the NPPF states that *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”*. Through paragraph 22 of the NPPF it states that: *“planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”*.
- 5.3.6 The Employment Evidence and Policy Update (July 2015) assess the Hall Road Industrial Estate in Southminster and gives it a composite market appeal score of 17.5 out of 30 and advises that it should be retained as a local employment centre. The Policy Update further advises that there are a limited number of employment sites spread throughout the District, which is due to the dispersed nature of local employment. Any decrease in the number of these sites would have a detrimental impact on the ability of the area to provide opportunities for businesses in the District to start up and grow. This is particularly important given the district’s greater reliance on smaller businesses rather than larger ones. Furthermore, the study concluded that there is an identified need for eleven ha more employment land within the District and emerging Policy E1 sets out an intention to identify and allocate additional sites. Both saved Policy E6 and emerging Policy E1 therefore seek to resist the loss of existing employment sites unless at least one of a series of criteria is met.
- 5.3.7 RLP E6 states that development which would cause the loss of an employment site will not be permitted unless certain criteria are met. The criteria relate to harming the character and amenities of the area, the benefits of the alternative use proposed to the community and the marketing that has been undertaken. Emerging policy E1 also has similar criteria for the loss of an employment site.
- 5.3.8 The present use of the site does not irreparably harm the character and amenities of the adjacent area. The buildings are already in existence and do not harm the character of the surrounding area. The site is located within a protected employment zone where B1, B2 and B8 uses are considered acceptable in principle.

- 5.3.9 RLP E6 allows the loss of existing employment uses where the site would have a greater benefit to the community if an alternative use were permitted. The explanatory text to Policy E6 states this could be through provision of local services, community and leisure facilities reference is also made to the provision of affordable housing. The current proposal would provide a new residential development which would include market housing but no affordable housing; market housing is not regarded as an appropriate alternative use under Policy E6.
- 5.3.10 RLP E6 requires evidence of marketing of the application site for at least three months and that there is a confirmation of a lack of interest. Emerging LDP policy E1 has a similar approach to protecting employment uses to RLP policy E6, although the requirements for marketing takes a long term view of the site and states that the marketing should also take into account the potential for the site to form a redevelopment opportunity for other Class B uses or Sui Generis uses of an employment nature. LDP policy E1 also goes on to state that it should be 'demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for employment use.'
- 5.3.11 A planning statement relating to emerging employment policy E1 has been submitted in support of this application. Within this statement it states '*Units 6-8 and 9-10 Hall Road Industrial Estate, Southminster were first placed on the market for sale in September 2015. Surveys of the buildings indicated that the fire damaged Units 6-8 would need to be redeveloped and since Units 9-10 were no longer economically viable the site was acquired at a value based on its future redevelopment potential.*' The report concludes that in relation to marketing '*The site has been marketed effectively at a rate which is comparable to local market value for its exiting use, or as redevelopment opportunity for other Class B uses or sui generis uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into the account the site's existing and potential long term market demand for an employment use.*' The submitted statement also goes on to criticise The Employment Evidence and Policy Update (July 2015) in terms of its assessment of the Hall Road Industrial site as well as conclude that as '*The Hall Road Industrial Estate at Southminster comprises less than 1% of the existing employment land in the district of Maldon and it is therefore immaterial to the future economic prosperity of the district.*'
- 5.3.12 No specific details of the marketing exercise such as the price asked, dates of the marketing, or means of marketing have been submitted. Furthermore it is not clear if all the units were marketed together or independently, or whether they have been marketed for lease as well as sale. When the application site was visited there were some marketing boards up advertising property for sale but this did not relate to the entire application site and no further details have been submitted. The marketing details submitted therefore are not sufficient to meet the criteria of RLP policy E6 or emerging LDP policy E1.
- 5.3.13 Although the site is relatively small in comparison to other employment sites it is important to the economic prosperity of the District to retain existing employment sites unless it can be demonstrated that they are no longer required (as per policy E6 and emerging LDP policy E1), which has not been done in this instance.

Furthermore, there is a need for employment generating sites of varying size and scales to maintain a thriving and prosperous economy in the District. Part of the application site is still occupied and the remainder of the employment site is almost all occupied by existing businesses. Within a recent appeal decision relating to the loss of one rural employment unit at the Old Dairy in Great Totham, which was not allocated, the Inspector stated *‘the loss of any site which is currently operating as B1/B2/B8 uses requires clear and substantive justification.’*

- 5.3.14 Furthermore, a more recent appeal decision at the Blackwater Marina (FUL/MAL/16/00814) the Inspector stated that *“the proposed dwellings would not be a greater benefit to the local community, the first 2 criteria in LP Policy E6 and ELP Policy E1 would not be met”* and would result in an “unacceptable loss of land in employment use” and *“contrary to the Framework, which aims to encourage sustainable economic growth”*.
- 5.3.15 The agent has referred to the granting of planning consent in 2013 under the reference OUT/MAL/12/00437 at the former South West Business Park, Scotts Hill, Southminster for residential development. However these developments are materially different and consent OUT/MAL/12/00437 was granted when the council could not demonstrate a five year housing land supply. This decision is considered to be of limited weight when determining this application.
- 5.3.16 Overall, having regard to the guidance within the NPPF, RLP policies and the LDP policies it is considered that the loss of the allocated employment site for residential development is not justified in this instance. The application therefore fails the economic test of sustainability as set out in the NPPF.

5.4 Housing Land Supply

- 5.4.1 Paragraph 47 of the NPPF requires local planning authorities to identify an annual supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer as appropriate to comply with national policy.
- 5.4.2 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ worth of housing against the Council’s identified housing requirements. The latest FYHLS statement was published in August 2016 and supersedes the previous version dated July 2015.
- 5.4.3 The Statement concludes that 2,353 dwellings are deemed to be deliverable over the next five years (including an allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). Assessed against the requirement to deliver 1,946 dwellings in the next five years based on the District’s objectively assessed needs for housing (including a 5% buffer which has been applied in accordance with NPPF paragraph 47) and shortfall in delivery since 2014, the District can currently demonstrate 6.04 years supply of housing land. This represents a significant improvement to the previous assessment in the May 2016 Planning Policy Advice Note.

- 5.4.4 Since the Council published the July 2015 FYHLS Statement, in the 16 appeals where the Council's FYHLS position has been determined, 11 appeals concluded that the Council could demonstrate a FYHLS. The updated August 2016 FYHLS Statement will further strengthen the Council's FYHLS position.
- 5.4.5 The Council can therefore demonstrate 6.04 years housing land supply against its identified housing targets.
- 5.4.6 As such, the Council is satisfied that the current Five-Year Housing Land position means that Paragraph 49 on the NPPF is not engaged and planning applications should now be considered on this basis. With a demonstrable housing land supply, the Council is in a stronger position to refuse development proposals which do not accord with the Local Development Plan (LDP), and importantly a stronger position to refuse applications which could threaten the delivery of sites allocated in the LDP and associated infrastructure. This position however does not automatically prohibit all development outside of settlement boundaries. Planning applications should be assessed on their own merits, taking into account relevant planning policies in the adopted local plan, LDP, NPPF and other material considerations.

5.5 Housing Need, Mix and Affordable Housing

- 5.5.1 There are no policies in the current Local Plan regarding housing mix but the submitted LDP policy H2 on housing mix requires all development *'to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population'*. The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to *"plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community"* and *"identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand"*.
- 5.5.2 The Council's Strategic Housing Market Assessment (SHMA) identifies that for all housing types one and two bedroom units are required to balance the District's housing stock, which currently provides an unbalanced number of large dwellings. This is particularly relevant for affordable housing units where one and two bedroom units are required. For market sector housing this includes one, two and three bedroom units with a surplus of four bedroom plus units in the District.
- 5.5.3 The proposed development would provide ten, three bedroom properties of a townhouse design and form. The proposed dwellings would have a combined floor area of over 1,000m² and as per emerging policy H1 would need to provide 30% affordable housing to be policy compliant. The scheme as it stands does not currently offer any affordable housing, and instead offers heads of terms to ensure that four units (40% of the proposed dwellings) are offered initially for sale to local people or those with strong local connections. This does not meet the policy requirements of emerging LDP policy H1 and the proposal to offer 40% of the units for sale to local people initially is not a requirement of RLP or LDP policy and would not meet the tests set out in paragraph 204 of the NPPF.

- 5.5.4 Failure to meet the requirements of LDP policy H1 represents a departure from the Council's evidenced need for affordable housing provision in this part of the District.
- 5.5.5 It is considered that policy H1 of the LDP can be given significant weight due to the advanced stage of the LDP and in this location; the LDP policy H1 requires 30% affordable housing to be provided, to meet the Council's strategic objectives on affordable housing and the needs of the present and future generations of the District. As the proposal offers no affordable housing the application is unacceptable on the basis of the lack of affordable housing provision. The application therefore fails the social test of sustainability as set out in the NPPF.
- 5.5.6 It is understood that the applicant is currently in discussion with Strategic Housing regarding the affordable housing position and any update will be provided via members update.

5.6 Layout, Scale, Design and Impact on Character and Appearance of the Area

- 5.6.1 The NPPF advises on good design and in paragraph 56 states that:

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

- 5.6.2 Such design principles are dealt with by local plan policy BE1 which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and harmonise with the general character of the area in which they are set. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development. Submitted LDP policy D1 deals with design quality and the built environment and is applicable to the consideration of this application.
- 5.6.3 The proposed residential development would take the form of modern flat roofed three storey townhouses split into two blocks. One block would front directly onto Hall Road and the second into the industrial estate.
- 5.6.4 The area surrounding the application site is a mix of residential and commercial with the site being located within the Hall Road Industrial Estate and in close proximity to the Maltings Industrial Estate. Directly opposite the application site is a row of predominantly semi-detached two storey dwellings which appear to date from approximately the 1970's with two detached dwellings, one of which is a Grade II listed dwelling (No.8 Hall Road) which is currently being restored by the owner. Adjacent to the site on the southern side of Hall Road is a further row of two storey semi-detached dwellings with front dormer windows which appear to date from the 1920/30's. Within this area of Hall Road the built form is a mixture of single storey and two storey. Further west where Hall Road meets Station Road there is a modern three storey residential development. It is clear when travelling east along Hall Road that when you reach the application site you are reaching the edge of the settlement as

development becomes of a lower density, set back further from the highway, with more soft landscaping.

- 5.6.5 The proposed development would introduce a development of significant scale and bulk into the street scene. The block of residential units proposed facing onto Hall Road would measure 23.26 metres wide reaching up to a height of 8.75 with a flat roof. The block facing into the industrial estate would also be highly visible from Hall Road and would measure 34.76 metres wide also reaching 8.75 metres in height with a flat roof. The proposed dwellings are of a modern design with an industrial appearance, however design and form of the proposed dwellings makes no reference to the existing character of the area or existing built form.
- 5.6.6 The NPPF at paragraph 60 states that '*planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative...*' in this instance it is not considered that the proposed development is innovative or original. Furthermore paragraph 60 goes on to state that '*it is, however, proper to seek to promote or reinforce local distinctiveness.*'
- 5.6.7 The proposed dwelling would appear as a large and visually bland form of development. The architectural style is of limited merit and lack visual interest. The elevation treatment has limited architectural detailing to break up the built form and expanse of development and whilst it is noted that the application has proposed a combination of materials; the minimal set back and location is not considered to have resulted in a cohesive development that would offer betterment to the character and appearance of the area.
- 5.6.8 The proposed development would not respond to the existing character of the area or the local context and would not harmonise with the character of the area. Due to the unsympathetic design, appearance, scale and bulk of the proposal the development would appear dominant within the street scene and would have an unacceptable impact on the character of the site and surrounding area. The proposed development is therefore contrary to RLP policy BE1 and submitted LDP policy D1.

5.7 Impact on Residential Amenity

- 5.7.1 RLP policy BE1 states that new development will be permitted if they are compatible with their surroundings, and/or improve the surrounding location in terms of the effect on the safety and or amenity of neighbouring properties or the occupiers therein. The LDP policy relevant to this section is policy D1 which deals with Design Quality and Built Environment and considers similar residential amenity considerations.
- 5.7.2 The nearest residential neighbouring properties to the application site are the row of semi-detached dwellings to the west with No. 7 Hall Road being the immediate neighbour to the west as well as the residential dwellings opposite (No's 8-20 (even) Hall Road).
- 5.7.3 When looking at the development in terms of the proposed land use and in terms of noise and disturbance the proposed development is unlikely to give rise to any more noise and disturbance than the existing lawful use of the site. Construction noise and disturbance could be minimised through a construction management condition.

- 5.7.4 Looking at the impact of the development upon the dwellings on the opposite side of the road it is considered that the proposal would not result in any materially harmful impacts due to the distance between the development and the existing dwellings and because any views would be towards the front of the existing dwellings which are already visible within the public domain.
- 5.7.5 Looking at the impact of the development upon the occupiers of No. 7 Hall Road it can be seen that the proposed block of four dwellings fronting onto Hall Road would be positioned between 1.9 and 3.3 metres from the shared boundary of the site with plot 4 proposed closest to No. 7. This boundary is currently relatively open at the front as it appears that a row of mature trees have recently been cut down to a height of approximately 1.8 metres. No. 7 Hall Road is itself set between 9 and 10 metres from the shared boundary.
- 5.7.6 Two windows are proposed within the west facing elevation of plot 4 which would serve the living room at first floor level and the bathroom at second floor level. These would allow views directly into the garden of No. 7 Hall Road and towards existing windows within the east facing flank elevation of No. 7 Hall Road. As the windows proposed within the side elevation of the development either serve a non-habitable room or are not the primary window to the room they could be conditioned to be obscure glazed and fixed shut (with the exception of a top hung fanlight). However, this would not address the perceived loss of privacy which would occur towards the occupants of No. 7.
- 5.7.7 The proposed dwellings would all benefit from Juliet balconies to their rear elevations serving the living rooms at first floor level as well as large windows serving the master bedrooms at second floor level. These openings to the rear of the dwelling proposed on plot 4 would allow views to the rear of the garden associated with No. 7 Hall Road resulting in a further loss of privacy which is exacerbated due to the three storey nature of the proposed development.
- 5.7.8 The dwellings proposed within plots 5-10 which front onto the industrial estate would back onto the rear garden associated with No. 7 Hall Road with the dwellings proposed on plots 5 and 6 backing directly onto No. 7 Hall Road's rear garden. These dwellings would be positioned between 9.6 and 10.6 metres from the shared boundary. Again these dwellings would benefit from Juliet balconies to their rear elevations serving the kitchen/diner at first floor level as well as large windows serving the master bedrooms at second floor level. These openings to the rear of the dwellings proposed on plots 5 and 6 (as well as plot 7, but to a lesser extent) would directly overlook the private rear garden area of No. 7 Hall Road resulting in a material loss of privacy to the occupiers of No. 7 Hall Road. Given the scale of the proposed development and the large windows proposed on the second floor the development would also result in some loss of privacy to No. 5 Hall Road.
- 5.7.9 Overall given the amount and scale of the development proposed adjacent to No. 7 Hall Road as well as the orientation of the site to the east of No. 7 Hall Road it is considered that the development would result in an overbearing impact upon the occupiers of No. 7 Hall Road and would represent an intrusive development that would result in overlooking, loss of light and loss of privacy which would have a

serious and adverse effect on the amenities enjoyed by occupiers of the neighbouring property. The development would therefore be contrary to RLP policy BE1 and submitted LDP policy D1.

- 5.7.10 The impact of the development upon occupiers of the industrial units on the wider Hall Road industrial site has also been raised as a concern within letters of representation. It is reasonable to assess the impact on non-domestic buildings where occupants have a reasonable expectation of receiving daylight, which would normally include small workshops and offices. The block of units facing into the industrial site would be situated between 5 and 11 metres from neighbouring industrial units. However given the position of the proposed residential units to the north and west of the existing units they would not materially reduce the amount of light into the neighbouring units.

5.8 Access, Parking and Highway Safety

- 5.8.1 This section of the report needs to be assessed with RLP policies T1, T2, and T8 as well as the NPPF. The submitted LDP policies relevant to this section are T1 and T2. Also applicable are Maldon's adopted Vehicle Parking Standards.
- 5.8.2 The dwellings proposed fronting onto Hall Road would take vehicular access directly from the highway with two parking spaces proposed per dwelling (one in the garage and one on the driveway). The dwellings fronting onto the industrial estate would take their vehicular access off the private internal access road which serves the industrial estate with two parking spaces proposed per dwelling (both in garages in a tandem layout).
- 5.8.3 It is stated within the application that *'the site will be accessed from the existing entrance which has clear sight lines in the both directions along Hall Road. Each dwelling has two car parking spaces including integral garages with space for bicycle storage. Inside the site a new access road will be re-constructed to accommodate the requisite level of traffic.'*
- 5.8.4 Essex County Council Highways have been consulted on the application and have advised that from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to appropriate planning conditions. However the Highways department have advised that for Units 5 to 10 (accessed from the industrial estate road), the proposed garages are not set back an appropriate distance. Consequently, cars may park across the footway and encroach onto the estate's carriageway. The Highways Authority recommend that the layout is amended to prevent this, but given the industrial estate road does not form part of the highway the issue does not affect their consultation response. A number of representations have been received from individuals also concerned about the vehicular access being shared by the industrial estate and proposed units 5-10.
- 5.8.5 In terms of parking requirements the adopted Maldon District Council Vehicle Parking Standards SPD and policy T8 of the adopted Local Plan requires two spaces per two or three bedroom unit. Policy D1 of the Local Development Plan also requires safe and secure parking to be provided in accordance with the adopted parking standards. Looking at the plans it can be seen that the proposal meets the adopted

parking standards as two spaces are provided per unit. However the parking provided for units 5-10 are entirely within the garage units with no driveways large enough to park a car on. This is not an ideal arrangement as it is more likely that occupiers and visitors will park along and across the access road and footway as raised by the Highway Authority within their response.

- 5.8.6 Use of the private industrial estate access road is also not an ideal arrangement for a residential development, although it does not in itself warrant a reason for refusal in relation to this scheme. However the poor parking arrangement for the development coupled with the shared access with the industrial estate do not weigh in favour of the application and add to the material considerations regarding the application.

5.9 Housing density

- 5.9.1 The NPPF takes precedence as the more up to date policy position than RLP policy H6 which set density levels of between 30-50 dwellings per hectare. However, the NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. Submitted LDP policy H4 on effective use of land considers a design-led approach is most applicable taking into account the location of the proposed development. The density of the development based upon 10 dwellings being provided on the site would equate to approximately 45 d.p.h.
- 5.9.2 In terms of submitted LDP policy H4 this policy states that development will be design-led and will seek to optimise the use of land having regard to (amongst other things) the location and the setting of the site, the existing character of the area, parking standards and impacts upon the amenities of neighbouring properties. In this instance it is considered that the density of the development is not acceptable as the development does not reflect the character of the area, does not offer an ideal parking arrangement and will result in significant adverse impacts upon the amenities of neighbouring property.

5.10 Private Amenity Space and Landscaping

- 5.10.1 RLP policy BE1 parts e) and f) both require amenity space and landscaping provision for new developments. The development proposes ten 3 bedroom dwellings. The Essex Design Guide (EDG) provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The EDG states that 3 or more bedroomed houses should have a private amenity space of at least 100m².
- 5.10.2 The proposed dwellings would each have a rear garden of between 35m² and 62m² with the majority having around 45m². Furthermore the majority of the proposed rear garden areas would be directly overlooked by adjacent properties and would not benefit from any private sitting out areas. The provision of amenity space is therefore considered to be unacceptable and contrary to the guidance within the EDG. The lack of sufficient private amenity space again highlights the inappropriate density of development for family dwellings of the scale proposed.
- 5.10.3 There is limited existing landscaping on site with only one hedgerow along the northern boundary of the site with Hall Road. The application states that sections of

this hedgerow would be retained around the proposed vehicular access points for the dwellings which would front onto Hall Road. Further soft landscaping could be controlled through the use of a planning condition.

5.11 Flood risk and drainage

- 5.11.1 The NPPF provides the most up to date policy position when assessing flood risk and supersedes any out dated RLP policies on flood risk. Policy D5 of the submitted LDP provides local flood risk considerations and seeks to direct development to the lower risk zones.
- 5.11.2 The application site is located within Flood Zone 1 which is the low risk zone where development is considered acceptable. The application form states that both foul sewage and surface water drainage will be disposed of via the main sewer. Anglian Water has been consulted on the application and has advised that there is capacity within the system for these flows. It would be preferable to see some use of sustainable drainage system methods for the disposal of surface water drainage, although it is acknowledged that the site is currently hardstanding and the development is unlikely to result in any additional run-off to the existing built form.

5.12 Noise

- 5.12.1 Environmental Health has advised that they have concerns regarding noise impact and the proposed residential use of the site. Noise could cause serious adverse effects to future occupants, and the Environmental Health Officer has advised that whilst they will investigate complaints of nuisance arising from commercial and industrial premises these premises will have a defence of best practicable means. This could effectively mean that only a percentage of noise or other disturbances could be remedied should complaints arise once the development is completed and occupied. Additionally the current character of the area would need to be considered when investigating nuisance and the industrial area would influence this.
- 5.12.2 Bullet point 3 of Paragraph 123 of the NPPF states that;
‘Planning policies should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established’
- 5.12.3 The NPPG on noise also states that;
‘The potential effect on an existing business of a new residential development being located close to it should be carefully considered as the existing noise levels from the business may be regarded as unacceptable by the new residents and subject to enforcement action.’
- 5.12.4 The agent has responded to Environmental Health’s consultation response by referring to a location plan mapping out the potential noise pollutants noted within the Environmental Health Officer’s comments on the application (which has been requested but not received to date). The agent also noted that as part of the MOT garage licensing, no works to vehicles may be undertaken outside of the garage.

However no full noise assessment has been submitted and there are further industrial units in full use on the site.

- 5.12.5 It is therefore considered that insufficient information has been submitted to demonstrate that future residents would not be subject to unacceptable noise. There are no suitable conditions that would ensure these concerns are sufficiently mitigated. The proposed development would therefore be contrary to RLP policies BE1 and CON5, LDP policy D2 and the provisions and guidance contained within the NPPF and NPPG. This concern is considered to be similar in nature to a reason for refusal that was successfully defended at appeal recently for similar development at the Blackwater Marina Development (Ref: FUL/MAL/16/00814).

5.13 Contamination

- 5.13.1 The majority of the application site comprises an existing industrial estate and as detailed in the submitted Phase I Environmental Assessment a detailed phase II intrusive investigation of the site is required.
- 5.13.2 Environmental Health has been consulted on the application and advises that the severity of the contamination will depend largely on the length of time that the site buildings have operated on a concrete slab that may have protected the ground underneath and the condition of the slab. There is potential for soils beneath the slab to contain contaminants and this area will need to be included within the investigation. It should also be noted that Environmental Health Officers have been made aware that historically tanks may have been installed on this site and it has also been alleged that at one time a unit on the site was conducting an operation involving the anodising of aluminium. As part of this process it has been alleged that there were underground etching tanks which may still be present and may contain hazardous substances which should also form part of the further investigation.
- 5.13.3 The issue of contamination and the requirement for further investigation can be dealt with through the use of planning conditions.

5.14 Nature Conservation

- 5.14.1 Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible’. RLP policy CC5 seeks to protect animals and plants protected under law unless steps for their protection are satisfactory through the planning application process. The submitted LDP policy N2 on natural environment and biodiversity is also applicable.
- 5.14.2 The application site is a brownfield site which is mainly laid to hardstanding with existing industrial units present. However brownfield sites can often be home to protected species and provide a range of habitat for wildlife.
- 5.14.3 No ecological survey or assessment has been submitted to support the application. It is necessary to assess the application against Natural England’s standing advice to determine whether the site contains any habitat for protected or priority species.

- 5.14.4 There is limited vegetation on the site. However units 6-8 have suffered fire damage and are open to the elements in places with some planting in and around and are unoccupied. It is therefore necessary to check whether this could potentially allow for bat roosting or bird nesting opportunities. Looking at the standing advice on Natural England's website it advises that bats are unlikely to use a building if it is '*prefabricated with steel and sheet materials*' as well as if it '*is an active industrial premises*'. Units 6-8 are prefabricated corrugated metal units and whilst not in active industrial use themselves they are on an active industrial estate close to existing businesses with associated noise and lights. It is therefore considered on the basis of the standing advice that survey work for bats is not required in this instance.
- 5.14.5 When assessing the development against the criteria for wild birds the development does not involve any of the development types listed on the standing advice note as requiring survey work. Therefore no survey work for wild or nesting birds is required in this instance.
- 5.14.6 Appropriate planning conditions could be attached to any consent to ensure that appropriate biodiversity enhancements are provided as part of the development such as bird boxes and planting although there is limited space on site for landscaping.

5.15 Designated Heritage Assets

- 5.15.1 The application site is located approximately 15 metres from No. 8 Hall Road which is a Grade II listed Georgian timber-framed 1 ½ storey cottage located on the opposite side of Hall Road to the application site. Old maps show that the cottage was once relatively isolated, but is now surrounded by later housing and industrial estates. The significance of the listed building can be said to derive from its age, reasonable state of preservation, its modest form, quality traditional materials, and its presence in the streetscene.
- 5.15.2 The Conservation Officer has been consulted on this application and had advised that the development would not cause material harm to the setting of the listed cottage, due to the relationship between the sites and the distance that separates them.
- 5.15.3 In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Conservation Officer has advised that this proposal is consistent with this objective.

5.16 Other Material Considerations

- 5.16.1 It is noted within letters of representation received that issues regarding rights of access across the estate road have been raised. Rights of access are not a planning consideration and planning decisions do not impact upon rights of way or alter land registry documentation.

6 ANY RELEVANT SITE HISTORY

None

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommend refusal of the application as it is a unhealthy mix in a designated industrial zone	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	<p>There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment of Southminster Water Recycling Centre that will have available capacity for these flows.</p> <p>The sewerage system at present has available capacity for flows from a gravity connection to the public foul sewer</p>	Please see section 5.11 of report.
Essex County Council Highways	<p>From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to:</p> <ul style="list-style-type: none">- Construction of the accesses onto Hall Road;- Provision of pedestrian visibility splays;- No unbound material within 6m of highway;	Please see section 5.8 of report.

	<ul style="list-style-type: none"> - Any new boundary planting on Hall Road to be planted a minimum of 1 metre back from the highway boundary and any visibility splay; - provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling; - submission of a Construction Management Plan 	
--	--	--

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Advise that it would not cause material harm to the setting of the listed cottage (No. 8 Hall Road), due to the relationship between the sites and the distance that separates them.	Please see section 5.15 of report.
Environmental Health	Has concerns with regard to this application to allow residential development on a working Industrial Estate. Concerns relate to contamination and noise.	Please see sections 5.12 and 5.13 of report.
Housing	Strategic Housing Services does not support this application.	Please see section 5.5 of report.

7.4 Representations received from Interested Parties

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Chris & Tania Lynam Southminster MOT And Service Centre Unit 4 Hall Road Industrial Estate
- Mr Ian Edwards 3 Hall Road Southminster Essex
- Mr Phillip Taylor R And F Insulations Limited Unit 5 Hall Road Industrial Estate
- Mrs Anne Brown 7 Hall Road Station Cottages Southminster
- Mr Andrew Snowden Burdons Manor Road Dengie Southminster
- Tony Davis R Glass Limited Units 2 To 3 Hall Road Industrial Estate
- Mr Kamil Wojtowicz 5 Station Cottages Hall Road Southminster
- Mrs V Amos Naseby 8A Hall Road Southminster
- Martyn Ball 8 Hall Road Southminster Essex

- Mr Rohit Mehta Oceandal Trading Co Unit 10 Hall Road Industrial Estate Hall Road Southminster

Objection Comment	Officer Response
Lack of any physical boundary between proposed dwellings and existing industrial estate. Concerns raised regarding access road being used by future residents due to safety and congestion issues.	Application has to be determined as submitted. Please see section 5.8 of report in terms of access.
Future residents may park on estate road and block access to lorries.	Please see section 5.8 of report.
Not safe to have residents and children so close to the industrial estate road and vehicles manoeuvring without a barrier.	As above and please see section 5.8 of report.
Hall road industrial Estate, is currently designated for light industrial works. As such it excludes general public, this will be included in all risk assessments for all external activities.	Noted.
Right of access over the estate road should be removed if planning permission is granted and land registry amended. The application site has its own separate access which should be used.	Please see section 5.16 of report.
Increased traffic coming out of an industrial estate may be a danger to pedestrians from adjacent pre-school and others.	Please see section 5.8 of report.
Plans show integral "in line" double garages. These are impracticable in reality. Cars from residents owning more than one vehicle and their visitors, will probably be parked exterior to the dwelling.	Please see section 5.8 of report.
New housing must not be at the expense of commercial units.	Please see section 5.3 of report.
The loss of commercial sites would be detrimental to the future growth of business and employment in the area.	Please see section 5.3 of report.
New employment land is not coming forward which strengthens the need to protect and retain what we have.	Please see section 5.3 of report.
Concerns over the implications of the development upon the existing businesses on the site.	Please see section 5.3 of report.
Have occupied Unit 10 since 2003 and have always employed local people and created jobs. Approval will have an	Please see section 5.3 of report.

adverse effect on the community and the proposed development is not in keeping with the context or scale of the local industrial area.	
Noise generated by a normal garage would not be appropriate with residential properties so close.	Please see section 5.12 of report.
The proposal will have environmental health impacts such as the use of hazardous materials or ground contamination as indicated by Consultee comments.	Please see section 5.13 of report.
10 dwellings on the proposed site is unrealistic, it does not give enough space for each property, hence the need to access via the industrial estate.	Please see section 5.9 of report.
Over-development of small site may restrict emergency access to industrial units.	Noted - Please see section 5.9 of report.
Replacing a single story industrial unit with a three story building adjacent to our unit will block light and outlook into offices. (unit 5)	Please see section 5.7 of report.
Our unit provides 24hr emergency service to the Asbestos industry. The close proximity may create unacceptable noise pollution to residents. (unit 5)	Please see section 5.12 of report.
The proposed architecture is not in keeping with surrounding residential properties, specifically all are of two storey pitched roof construction.	Please see section 5.6 of report.
Poor design of proposed dwellings.	Please see section 5.6 of report.
The proposed dwelling house(s) design would cause neighbouring gardens to be directly overlooked by No. 5 -10 removing the privacy currently enjoyed.	Please see section 5.7 of report.
The sheer bulk of the proposed design/development would cause a significant loss of light which is currently enjoyed in neighbouring rear gardens.	Please see section 5.7 of report.
The proposed 4 properties that front onto the road will restrict the light into the side windows of the immediate neighbouring property.	Please see section 5.7 of report.
Development will result in loss of light and overlooking of dwellings opposite.	Please see section 5.7 of report.
There is a need for 2 bedroom properties not 3 bedroom properties.	Please see section 5.5 of report.

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Mr Tom Stubbings Stubbings And Son Unit 4 Witchards Scotts Hill Southminster
- Mr Kevin Tyson 17 Coombe Road Southminster Essex
- Mr Colin Croud 1 Ravenstor Cottages Main Road St Lawrence Southminster

Supporting Comment	Officer Response
We don't need industrial units around here got enough empty ones already.	Please see section 5.3 of report.
Houses will be built regardless and its so much better to have new houses built where old derelict burnt out units are rather than loosing farm land.	Please see section 5.3 of report.
The units are an eyesore - would much rather look at some nice houses than half burnt units.	Please see section 5.6 of report.
if they are kept as industrial or rebuilt then they will incur as many if not more lorries. Ample Parking according to the drawings is provided for each house.	Please see section 5.8 of report.
With the train links etc it makes perfect sense to put houses there.	Please see section 5.3 of report.
10 nicely built houses as opposed to mass built monstrosities gets my vote every day.	Please see section 5.6 of report.

8 PROPOSED REASONS FOR REFUSAL

- 1 The application site is allocated within the adopted Maldon District Replacement Local Plan as a protected employment site and within the submitted Maldon District Local Development Plan remains a protected employment site. The proposed development would result in the loss of the site for employment purposes and insufficient information has been submitted to justify this loss. The proposed development would therefore be contrary to policies E1 and E6 of the adopted Maldon District Replacement Local Plan, policy E1 of the submitted Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs 7, 19, 21 and 22.
- 2 The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policy H9 of the adopted Maldon District Replacement Local Plan, policy H1 of the submitted Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.
- 3 The application site is located within an allocated industrial site and the development of this site for housing would be likely to result in future occupiers being subject to

unacceptable levels of noise. This would have a significant adverse impact upon the health, quality of life and wellbeing of the future occupiers of these proposed dwellings resulting in poor living conditions. It is considered that the site's proposed future development would introduce residential properties in a much closer proximity to this existing noise source than the majority of nearby properties. As such the proposal is not considered to represent sustainable development and would be contrary to policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan, policies D1 and D2 of the submitted Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14 and 123.

- 4 The proposed development, by reason of its position, size, design and external appearance, would represent an intrusive development, out of scale and character with the prevailing pattern of development in the locality to the detriment of the character and appearance of the area. The proposal would be contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the submitted Maldon District Local Development Plan, and the provisions and guidance contained within the National Planning Policy Framework, in particular paragraphs 56, 61 and 64
- 5 The proposed development, due to the lack of private amenity space, would not provide an acceptable level of amenity space for the use and enjoyment of the future occupiers of the dwellings and, as such, is contrary to the requirements set out by policy BE1 of the adopted Maldon District Replacement Local Plan and D1 of the submitted Local Development Plan and would result in an under provision of private amenity space for dwellings of this size.
- 6 The proposed development due to its scale, siting and design would have a serious and adverse impact on the amenity enjoyed by occupiers of adjacent neighbouring properties contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the submitted Maldon District Local Development Plan, and the provisions and guidance contained within the National Planning Policy Framework.
- 7 Due to the incongruous design, unacceptable level of private amenity space, impact on the amenity of adjacent neighbouring occupiers and detrimental impact on the free flowing of traffic, the development is considered to result in overdevelopment of the site contrary to to policy BE1 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the submitted Maldon District Local Development Plan, and the provisions and guidance contained within the National Planning Policy Framework.